

**REMARKS/ARGUMENTS**

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claim 1 has been amended and claim 8 has been canceled. Thus, claims 1-7 and 9 are pending for further examination.

Claim 2 has been amended to address the Examiner's objections thereto. Thus, withdrawal of the claim objection is respectfully requested.

A primary purpose of the present invention is to remedy the disadvantages of the prior art by providing a process for adjusting the sound level of a digital sound recording making it possible to obtain substantially identical sound levels in different recordings, irrespective of the differences in the digital sound recording level existing initially between each of the recordings.

Claims 1, 8 and 9 have been rejected under 35 USC 102(e) as being anticipated by Kokkosoulis. In response, claim 1 has been amended herein to more clearly and patentably distinguish Kokkosoulis and the remaining references of record, whether considered alone or in combination. More particularly, claim 1 has been amended to recite, *inter alia*, calculating the possible gain (Gv) for a specified sound level setting, between the maximum amplitude value (A2) and the maximum amplitude value (Am) for all frequencies combined, the possible gain being determined by applying the following formula:

$$Gv=20\log(A_2/A_m),$$

and reproducing the recording by automatically adjusting the amplification gain level making it possible to obtain a sound level for the recording of a specified value so that it corresponds to the gain calculated for this recording, the reproduction step comprising a dynamic reproduction sound level adjustment step on the recording including authorizing a specified gain for the low-pitched and/or high-pitched sounds in the recording, the gain corresponding approximately to the attenuation applied during the production of the recording. Applicant respectfully submits that the combination of features defined in amended claim 1 are not taught or suggested by Kokkosoulis. Thus, withdrawal of this rejection is respectfully requested.

Kokkosoulis describes a method and system for selectively and variably attenuating audio data. A high-volume control value as selected by a user is first received, and this high-volume control value defines a volume output level for high amplitude audio samples. An attenuation factor is then determined by utilizing the high-volume control value.

This attenuation factor is calculated with these following formulas:

$$Y_{\max} = 10 (D-A)/20, n=x_{\max}/(x_{\max} - Y_{\max}), L=(x_{\max} - Y_{\max})/ x_{\max}^n$$

where A is the desired attenuation in decibels, D is the maximum range in decibels for a given bit resolution,  $x_{\max}$  is a decimal constant representing the maximum absolute input sample amplitude, and  $Y_{\max}$  represents the maximum absolute output decimal sample amplitude. D equals to 90.3087 for 16-bit PCM audio data samples. L is the coefficient for the non-linear component, and n is the exponent for the non-linear

component (col. 3 lines 47 to 52). Each sample from an incoming audio data stream is conditionally attenuated with the attenuation factor such that high amplitude audio data get compressed while low amplitude audio data remain unaffected. Finally, the attenuated samples are sent to an output (see abstract).

Kokkosoulis does not describe a process to increase the gain for low-pitched and/or high-pitched sounds without exceeding the sound level selected by the user. Thus, Kokkosoulis does not disclose or suggest the same adjustment method defined in the presently amended claims. The attenuation factor is not the same as the possible gain of the present invention. For example, this calculation is more complex, and uses more equations as compared to formula defined in the amended claims. Furthermore, there is no suggestion in Kokkosoulis that it is possible with his method to adjust the low-pitched and/or high-pitched sounds, as set forth in amended claim 1.

For at least the forgoing reasons, Applicant respectfully submits that amended claim 1 is patentable over Kokkosoulis. Dependent claims 2-7 and 9 are also patentable at least by virtue of their dependency on claim 1.

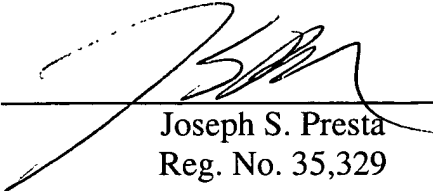
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Thus, withdrawal of the rejections and passage of this case to issuance at an early date are earnestly solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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